

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **01/26/2009**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Skwarczek**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school finance**

Extra Copies: **TKK**

Submit via email: **NO**

---

### **Pre Topic:**

DOA:.....Skwarczek, BB0532 -

---

### **Topic:**

Revenue limit; state aid includes federal stimulus funds

---

### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/27/2009	nmatzke 01/27/2009		_____			S&L
/1	pgrant 01/28/2009	nmatzke 01/28/2009	phenry 01/27/2009	_____	mbarman 01/28/2009		S&L
/2	pgrant 01/30/2009	jdyer 01/30/2009	mduchek 01/28/2009	_____	sbasford 01/29/2009		S&L
/3	pgrant 02/11/2009	nmatzke 02/11/2009	mduchek 01/30/2009	_____	mbarman 01/30/2009		S&L
/4	pgrant 02/12/2009	nmatzke 02/12/2009	rschluet 02/11/2009	_____	sbasford 02/11/2009		S&L

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/5

jfrantze \_\_\_\_\_  
02/12/2009 \_\_\_\_\_

lparisi  
02/12/2009

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<END>

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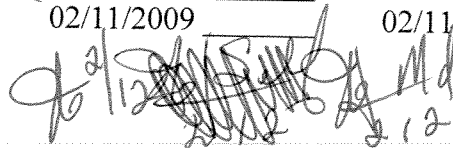
### Instructions:

See attached

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/3		14 nwn 2/11	mduchek 01/30/2009	_____	mbarman 01/30/2009		

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/2		13 1/30 jw	mduchek 01/28/2009		sbasford 01/29/2009		

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1/30

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/1		1/2 <sup>nwn</sup> 1/28	phenry 01/27/2009		mbarman 01/28/2009		

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ND ~~TH~~ CH  
1/28 <END> KF

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/?	pgrant	1 nwn 1/27	1/27 ph	1/27 ph/lee			
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FE Sent For:

<END>



## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Federal economic stimulus funds: state fiscal stabilization fund, IDEA and Title I
- Tracking Code: BB 0532
- SBO team: Education
- SBO analyst: Marta Skwarczek
  - Phone: 266-5468
  - Email: marta.skwarczek@wisconsin.gov
- Agency acronym: DPI
- Agency number: 255
- Priority (Low, Medium, High): High

Intent:

Under the relevant sections of Wisconsin statutes:

Specify that all funds received by school districts under the education fund portion of the state fiscal stabilization fund, which is a part of the federal economic stimulus bill, are subject to revenue limits.

Specify that all funds received by school districts under the federal economic stimulus bill for carrying out the Individuals with Disabilities Education Act (IDEA) and for carrying out title I of the Elementary and Secondary Education Act of 1965 (Title I) shall be subject to revenue limits unless a school board votes to spend these funds outside of revenue limits.

**Grant, Peter**

---

**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 2:50 PM  
**To:** Grant, Peter  
**Subject:** RE: new education drafts

Ok, after talking to Bob, I think we do need to be specific in regards to which federal stimulus funds are subject to revenue limits. The funds in 20.255(2)(kc), the PR-S appropriation should not be subject to revenue limits. All moneys received by school districts from 20.255(2)(n) for the purposes of carrying out IDEA and ESEA and from the state fiscal stabilization fund shall be subject to revenue limits.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 1:33 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: new education drafts

Well, that helps, but answer me this: should the bill include in "state aid" for revenue limit purposes all moneys received by a school district from the appropriations under 20.255 (2) (kc) and (n)? Or are the moneys from one of those appropriations included in state aid only if the money is for carrying out IDEA or ESEA?

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 1:28 PM  
**To:** Grant, Peter  
**Subject:** RE: new education drafts

Well, what I know of the stimulus bill is that there is additional funding going into the federal Title I and IDEA programs. It is my understanding that those funds would go directly to DPI, so if we want to separate them from all of the other federal funding that goes to DPI and place them under revenue limits, we need a federal appropriation to catch them- 20.255(2)(n).

There are also funds coming to the state in the form of a state fiscal stabilization fund. Some of these funds will be discretionary and will go to 20.865(2)(m) and then be passed out to the individual agencies, so we need the 20.255(2)(kc) PR-S appropriation to catch any discretionary funding that makes its way to DPI. However, the state will also receive other state fiscal stabilization funds that are not discretionary, but are for education funding only. After some discussion in the office, we have decided that those funds would also go straight to DPI (rather than passing through 20.865 first) and we also want those funds to be subject to revenue limits.

I hope this clears things up.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 1:11 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: new education drafts

OK, but I'm still confused. You said there were two categories. One is federal stimulus funds, and apparently so is the other. One is federal stimulus funds intended to carry out IDEA and ESEA. The other is fed stimulus funds intended for other purposes. One comes from the appropriation created in -1625, the other comes from some other appropriation (20.255 (2) (kc), I think). Can you help me sort this out?

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 1:03 PM  
**To:** Grant, Peter  
**Subject:** RE: new education drafts

Peter,

01/27/2009

LRB-1625 is not dead. The appropriation created in 20.865 (2) (m) is only for discretionary federal stimulus funds. However, the way that the federal stimulus bill is written now, there will be other types of funds that will go to directly to state agencies, including DPI. So, a federal, program 2 appropriation is still needed in DPI.

So, I think that the draft should say that all funds received by school districts from this federal stimulus DPI appropriation (20.255(2) (n) as created in LRB-1625) are subject to revenue limits.

Thanks.

---

**From:** Skwarczek, Marta A - DOA  
**Sent:** Monday, January 26, 2009 5:19 PM  
**To:** Grant, Peter - LEGIS  
**Subject:** RE: new education drafts

Peter- please hold on this draft. We are still trying to figure things out.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Monday, January 26, 2009 2:31 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: new education drafts

I don't know what that is. Is it something created in this bill? Is it the current budget stabilization fund? If the latter, doesn't DPI need an appropriation from that fund? And if we create one, what's the purpose of the money and how does it get distributed?

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Monday, January 26, 2009 2:22 PM  
**To:** Grant, Peter  
**Subject:** RE: new education drafts

The funds from the state fiscal stabilization fund are definitely a separate category.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Monday, January 26, 2009 2:14 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: new education drafts

OK. Does that mean we have only one category of funds, the funds received from the economic stimulus bill, instead of two? Or are the funds from the state fiscal stabilization fund a separate category?

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Monday, January 26, 2009 2:05 PM  
**To:** Grant, Peter  
**Subject:** RE: new education drafts

Yes, this all sounds good. However, there has been a change in my request:

Please specify that all funds received by school districts under the federal economic stimulus bill for carrying out the Individuals with Disabilities Education Act (IDEA), for carrying out title I of the Elementary and Secondary Education Act of 1965 (Title I), and as part of the education fund portion of the state fiscal stabilization fund, shall be subject to revenue limits. (no ability for the school board to vote them out)

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Monday, January 26, 2009 1:42 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: new education drafts

01/27/2009

Hi Marta. I've been told that LRB-1625 is dead. Instead, we're creating one appropriation (in 20.865 (2) (m)) and each department will have a PR-S appropriation for transfers from that main one. In DPI, the appropriation will be 20.255 (2) (kc). Does that sound right to you? And is that the appropriation ((2)(kc)) from which the moneys included in "state aid" for purposes of revenue limits will be appropriated from?

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Monday, January 26, 2009 11:58 AM  
**To:** Grant, Peter  
**Subject:** RE: new education drafts

Yes, sorry, she did.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Monday, January 26, 2009 11:31 AM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: new education drafts

Didn't Tracy do that in LRB-1625?

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Monday, January 26, 2009 11:16 AM  
**To:** Grant, Peter  
**Subject:** RE: new education drafts

Peter,  
 For the 'federal stimulus funds' draft, please also create a federal appropriation in DPI program 2 for all funds received for the education fund of the state fiscal stabilization fund under the federal economic stimulus bill to meet the requirements of the federal law as determined by DOA.

---

**From:** Skwarczek, Marta A - DOA  
**Sent:** Sunday, January 25, 2009 4:34 PM  
**To:** Grant, Peter - LEGIS  
**Subject:** new education drafts

Peter, please find 2 new sets of drafting instructions attached.

Marta Skwarczek  
 Executive Policy and Budget Analyst  
 Education and Workforce Development Team  
 Wisconsin Department of Administration  
 (608) 266-5468

01/27/2009

Date (time)  
needed \_\_\_\_\_

LRB- 1796 / 1

## DOA BUDGET DRAFT

PL : nwn : \_\_\_\_\_

Use the appropriate components and routines developed for bills.

### >>FOR BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget. . . . .

.....

.....

SA ✓  
x-ref ✓

#### *Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . create → anal: → title: → head

For the subheading, execute: . . . . . create → anal: → title: → sub

For the sub-subheading, execute: . . . . . create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . create → anal: → text

(Attached)

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION #.

Section #. 121.90 (2) (intro.) of the statutes is renumbered 121.90(2)(a)(intro.) and amended to read:

121.90 (2) (a) (intro.) "State aid" means aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4), and amounts under s. 79.095 (4) for the current school year, except that "state aid" excludes all of the following:

History: 1993 a. 16; 1995 a. 27; 1997 a. 27, 113, 237, 286; 1999 a. 9, 32, 186; 2001 a. 109; 2005 a. 225; 2007 a. 20,

Insert A

SEC. CR, 121.90 (2) (a) 3. and 4.

121.90 (2) (a) 3. All moneys received from the appropriation under s. 20.255 (2) (kc).

All federal moneys received from the appropriation under s. 20.255 (2) that are for the purpose of carrying out 20 USC 1401 to 1482 or 20 USC 6301 to 7941. This subdivision applies unless the school board adopts a resolution excluding the moneys from its state aid for the purpose of this subchapter.

INS. B

SEC. CR, 121.90 (2) (b) (intro)

121.90 (2) (b) (intro) "State aid" excludes all of the following:

2005

Nonstat File Sequence: **EEE**

LRB \_\_\_\_\_ / \_\_\_\_\_

## INITIAL APPLICABILITY

- In the component bar:  
For the action phrase, execute: ..... create → action: → \*NS: → inappl  
For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION #      [93 3 9] . Initial applicability; .....

~~public instruction~~

( #1 ) (    ) REVENUE LIMIT STATE AID. renumbering and amendment

The treatment of sections ..  
121.90 (2) (intro.) and (a) to (c) and  
the creation of Y 121.90 (2) (bm) of the statutes  
section of the statutes  
first applies to the calculation of a school district's  
revenue limit for the 2009-10 school year.

(Encl)

- In the component bar:  
For the action phrase, execute: ..... create → action: → \*NS: → inappl  
For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION #      . Initial applicability; ~~public instruction~~

( #1 ) (    ) This act first  
applies to .....

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Insert A

SEC. RN; 121.90 (2)(a) to (c);

121.90 (2)(b) to 30

(B)

\*\*\*A NOTE: Sec. 20.255(2)(cc) is

created in LRB-1786 Sec. 20.255(2)(n) is

created in LRB-1625



Analysis

EDUCATION <sup>(B)</sup>PRIMARY <sup>(B)+(C)</sup> AND SECONDARY EDUCATION

For the purpose of determining a school district's revenue <sup>limit</sup>  
 This bill includes in the school district's  
 state aid <sup>amount</sup> & all federal <sup>economic stimulus</sup> funds received by the  
 school district <sup>pursuant to</sup> ~~pursuant to~~ <sup>(B)</sup> federal

legislation enacted by the 111th Congress <sup>(7)</sup>  
~~except that it includes such funds~~ <sup>that are</sup> intended  
 to carry out the federal <sup>Individuals with</sup>

Disabilities Education Act and the federal  
Elementary and Secondary Education Act <sup>(6)</sup>

FE-SL <sup>✓</sup>

**Grant, Peter**

**From:** Hanle, Bob - DOA [bob.hanle@wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 7:25 PM  
**To:** Grant, Peter  
**Cc:** Skwarczek, Marta A - DOA  
**Subject:** Draft 1796/1 Fed Stimulus  
**Importance:** High

Marta and I are not sure that this draft captures what the Governor wants. Does the draft limit the federal funds counted under revenue limits only to the IDEA and Title I funds allocated under the American Recovery and Reinvestment Act? I know the Recovery Act is mentioned in the LRB analysis (aka federal economic stimulus funds), but I can't tell whether it is mentioned in the language.

We don't want the draft to include all federal IDEA and Title I within the revenue limits, only the amounts received under the Recovery Act. There is also another pot of federal funds allocated under Title XIII of the stimulus bill (the State Fiscal Stabilization Fund) that is also to be included under the revenue limits. Specifically, the funds allocated under Title XIII, section 13002, paragraph (a). Is that piece referenced in the draft? If it's any help, here's the link to the federal bill language.

[http://www.rules.house.gov/111/LegText/111\\_hr1\\_text.pdf](http://www.rules.house.gov/111/LegText/111_hr1_text.pdf)

It would be easier if all funds received by K-12 districts under the Recovery Act were included under revenue limits, but we only want IDEA, Title I and a piece of the stabilization fund to be included.

If it's any consolation, we are finding it difficult to put a budget package together that includes federal dollars in a bill that has yet to pass Congress and is likely to be much different when it does. Thanks.

**Bob Hanle, Team Leader**  
**State Budget Office**  
**101 E. Wilson St. -- 10th Floor**  
**P.O. Box 7864**  
**Madison, WI 53707-7864**  
**(608) 266-1037**

1  
239

p. 237

01/28/2009

1 tration and oversight shall take the place of the set-aside  
2 under section 1106 of this Act.

3           **GENERAL PROVISIONS, THIS TITLE**

4       **SEC. 13001. ALLOCATIONS.**

5           (a) **OUTLYING AREAS.**—From each year's appropria-  
6 tion to carry out this title, the Secretary of Education  
7 shall first allocate one half of 1 percent to the outlying  
8 areas on the basis of their respective needs, as determined  
9 by the Secretary, for activities consistent with this title  
10 under such terms and conditions as the Secretary may de-  
11 termine.

12          (b) **ADMINISTRATION AND OVERSIGHT.**—The Sec-  
13 retary may, in addition, reserve up to \$12,500,000 each  
14 year for administration and oversight of this title, includ-  
15 ing for program evaluation.

16          (c) **RESERVATION FOR ADDITIONAL PROGRAMS.**—  
17 After reserving funds under subsections (a) and (b), the  
18 Secretary shall reserve \$7,500,000,000 each year for  
19 grants under sections 13006 and 13007.

20          (d) **STATE ALLOCATIONS.**—After carrying out sub-  
21 sections (a), (b), and (c), the Secretary shall allocate the  
22 remaining funds made available to carry out this title to  
23 the States as follows:

24               (1) 61 percent on the basis of their relative  
25 population of individuals aged 5 through 24.

1           (2) 39 percent on the basis of their relative  
2       total population.

3       (e) STATE GRANTS.—From funds allocated under  
4       subsection (d), the Secretary shall make grants to the  
5       Governor of each State.

6       (f) REALLOCATION.—The Governor shall return to  
7       the Secretary any funds received under subsection (e) that  
8       the Governor does not obligate within one year of receiving  
9       a grant, and the Secretary shall reallocate such funds to  
10      the remaining States in accordance with subsection (d).

11   **SEC. 13002. STATE USES OF FUNDS.**

12       (a) EDUCATION FUND.—

13           (1) IN GENERAL.—For each fiscal year, the  
14       Governor shall use at least 61 percent of the State's  
15       allocation under section 13001 for the support of el-  
16       ementary, secondary, and postsecondary education.

17           (2) RESTORING 2008 STATE SUPPORT FOR EDU-  
18       CATION.—

19           (A) IN GENERAL.—The Governor shall  
20       first use the funds described in paragraph (1)—

21           (i) to provide the amount of funds,  
22       through the State's principal elementary  
23       and secondary funding formula, that is  
24       needed to restore State support for elemen-

1 tary and secondary education to the fiscal  
2 year 2008 level; and

3 (ii) to provide the amount of funds to  
4 public institutions of higher education in  
5 the State that is needed to restore State  
6 support for postsecondary education to the  
7 fiscal year 2008 level.

8 (B) SHORTFALL.—If the Governor deter-  
9 mines that the amount of funds available under  
10 paragraph (1) is insufficient to restore State  
11 support for education to the levels described in  
12 clauses (i) and (ii) of subparagraph (A), the  
13 Governor shall allocate those funds between  
14 those clauses in proportion to the relative short-  
15 fall in State support for the education sectors  
16 described in those clauses.

17 (3) SUBGRANTS TO IMPROVE BASIC PROGRAMS  
18 OPERATED BY LOCAL EDUCATIONAL AGENCIES.—

19 After carrying out paragraph (2), the Governor shall  
20 use any funds remaining under paragraph (1) to  
21 provide local educational agencies in the State with  
22 subgrants based on their relative shares of funding  
23 under part A of title I of the Elementary and Sec-  
24 ondary Education Act of 1965 (20 U.S.C. 6311 et

1       seq.) for the most recent year for which data are  
2       available.

3       (b) OTHER GOVERNMENT SERVICES.—For each fis-  
4       cal year, the Governor may use up to 39 percent of the  
5       State's allocation under section 1301 for public safety and  
6       other government services, which may include assistance  
7       for elementary and secondary education and public institu-  
8       tions of higher education.

9       **SEC. 13003. USES OF FUNDS BY LOCAL EDUCATIONAL**  
10       **AGENCIES.**

11       (a) IN GENERAL.—A local educational agency that  
12       receives funds under this title may use the funds for any  
13       activity authorized by the Elementary and Secondary Edu-  
14       cation Act of 1965 (20 U.S.C. 6301 et seq.) (“ESEA”),  
15       the Individuals with Disabilities Education Act (20 U.S.C.  
16       1400 et seq.) (“IDEA”), or the Carl D. Perkins Career  
17       and Technical Education Act of 2006 (20 U.S.C. 2301  
18       et seq.) (“the Perkins Act”).

19       (b) PROHIBITION.—A local educational agency may  
20       not use funds received under this title for capital projects  
21       unless authorized by ESEA, IDEA, or the Perkins Act.

22       **SEC. 13004. USES OF FUNDS BY INSTITUTIONS OF HIGHER**  
23       **EDUCATION.**

24       (a) IN GENERAL.—A public institution of higher edu-  
25       cation that receives funds under this title shall use the

DOA:.....Skwarczek, BB0532 - Revenue limit; state aid includes federal stimulus funds

## FOR 2009-11 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT...; relating to: the budget.

### *Analysis by the Legislative Reference Bureau*

#### EDUCATION

##### PRIMARY AND SECONDARY EDUCATION

For the purpose of determining a school district's revenue limit, this bill includes in the school district's state aid amount all federal economic stimulus funds received by the school district, pursuant to federal legislation enacted by the 111th Congress, that are intended to carry out the federal Individuals with Disabilities Education Act ~~and~~ the federal Elementary and Secondary Education Act.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 2 SECTION 1. 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am)
- 3 (intro.) and amended to read:
- 4 121.90 (2) (am) (intro.) "State aid" means aid all of the following:

1 1. Aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as  
 2 calculated for the current school year on October 15 under s. 121.15 (4) and including  
 3 adjustments made under s. 121.15 (4), ~~and amounts.~~

4 2. Amounts under s. 79.095 (4) for the current school year, ~~except that "state~~  
 5 ~~aid" excludes all of the following.~~

6 **SECTION 2.** 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2) (bm)  
 7 1. to 3. *under the American Recovery and Reinvestment Act of 2009*

8 **SECTION 3.** 121.90 (2) (am) 3. of the statutes is created to read:

9 121.90 (2) (am) 3. All <sup>federal</sup> moneys received ~~from the appropriation under s. 20.255~~

10 ~~(2) (n)~~ that are for the purpose of carrying out 20 USC 1401 to 1482 or 20 USC ~~6301~~  
 11 ~~to 7941~~ *6339*

12 **\*\*\*\*NOTE:** Sec. 20.255 (2) (n) is created in LRB-1625.

13 **SECTION 4.** 121.90 (2) (bm) (intro.) of the statutes is created to read:

14 121.90 (2) (bm) (intro.) "State aid" excludes all of the following:

15 **SECTION 9339. Initial applicability; Public Instruction.**

16 (1) REVENUE LIMIT; STATE AID. *renumbering of section 121.90(2)(a) to (c) of the statutes, the*  
 17 The renumbering and amendment of section  
 18 121.90 (2) (intro.) ~~and (a) to (c)~~ of the statutes and the creation of section 121.90 (2)  
 19 (bm) <sup>(intro.)</sup> of the statutes first apply to the calculation of a school district's revenue limit  
 for the 2009-10 school year.

(END)

(am) 30 and 40 and



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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Legal (608-266-3561)

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2-11

SEC. 121.90 (2) (am) 4.

121.90 (2) (am) 4. All federal moneys received

~~from the appropriation under s. 20.25 (2) (b)~~

under the American Recovery and Reinvestment Act  
of 2009 section 13002 (a) (2) (A) (i) of

to restore the state's support for elementary  
and secondary education to the level  
provided in the 2007-08 fiscal year

**Grant, Peter**

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**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Thursday, January 29, 2009 6:19 PM  
**To:** Grant, Peter  
**Subject:** RE: LRB Draft: 09-1862/1 Calculation of June 2009 and 2009-2011 state aid

In LRB draft 09-1862/1 please change the amount of the 2008-09 lapse to \$133,000,000 (rather than \$178,000,000). Under the State aid: June 2009 nonstat language provision specify that "the department of public instruction shall use the balance in that appropriation account and a portion of the amount appropriated in the 2008-09 fiscal year..." We are assuming that the American Recovery and Reinvestment Act will allow states to spend the amounts allocated in the Act before the 2009-10 fiscal year (either upon passage of the act or January 1, 2009, as is in the Senate version I believe).

In LRB draft 09-1796/2, Section 4- We need all moneys received from the federal government under section 13002 (a) of the American Recovery and Reinvestment Act to be subject to revenue limits, not just those funds received to restore the state's support for elementary and secondary education to the level provided in the 2007-08 fiscal year.

Thanks.

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**From:** Duchek, Michael [mailto:Michael.Duchek@legis.wisconsin.gov]  
**Sent:** Thursday, January 29, 2009 12:20 PM  
**To:** Skwarczek, Marta A - DOA  
**Cc:** Hanle, Bob - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1862/1 Calculation of June 2009 and 2009-2011 state aid

Following is the PDF version of draft 09-1862/1.

L djd

DOA:.....Skwarczek, BB0532 - Revenue limit; state aid includes federal stimulus funds

**FOR 2009-11 BUDGET — NOT READY FOR INTRODUCTION**

✓ don't gen

1

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

For the purpose of determining a school district's revenue limit, this bill includes in the school district's state aid amount all federal economic stimulus funds received by the school district, pursuant to federal legislation enacted by the 111th Congress, that are intended to carry out the federal Individuals with Disabilities Education Act or that portion of the federal Elementary and Secondary Education Act relating to improving basic education programs, or that are provided to restore the state's support for elementary and secondary education to the level provided in the 2007-08 fiscal year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

**SECTION 1.** 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am)

3

(intro.) and amended to read:

1 121.90 (2) (am) (intro.) "State aid" means aid all of the following:

2 1. Aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as  
3 calculated for the current school year on October 15 under s. 121.15 (4) and including  
4 adjustments made under s. 121.15 (4), ~~and amounts.~~

5 2. Amounts under s. 79.095 (4) for the current school year, ~~except that "state~~  
6 ~~aid" excludes all of the following:~~

7 **SECTION 2.** 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2) (bm)  
8 1. to 3.

9 **SECTION 3.** 121.90 (2) (am) 3. of the statutes is created to read:

10 121.90 (2) (am) 3. All federal moneys received under the American Recovery  
11 and Reinvestment Act of 2009 that are for the purpose of carrying out 20 USC 1401  
12 to 1482 or 20 USC 6311 to 6339.

13 **SECTION 4.** 121.90 (2) (am) 4. of the statutes is created to read:

14 121.90 (2) (am) 4. All federal moneys received to restore the state's support for  
15 elementary and secondary education to the level provided in the 2007-08 fiscal year  
16 under section 13002 (a) (2) (A) (i) of the American Recovery and Reinvestment Act  
17 of 2009. ✓

18 **SECTION 5.** 121.90 (2) (bm) (intro.) of the statutes is created to read:

19 121.90 (2) (bm) (intro.) "State aid" excludes all of the following:

20 **SECTION 9339. Initial applicability; Public Instruction.**

21 (1) REVENUE LIMIT; STATE AID. The renumbering of section 121.90 (2) (a) to (c)  
22 of the statutes, the renumbering and amendment of section 121.90 (2) (intro.) of the  
23 statutes, and the creation of section 121.90 (2) (am) 3. and 4. and (bm) (intro.) of the

1 statutes first apply to the calculation of a school district's revenue limit for the  
2 2009–10 school year.

3 (END)

**Grant, Peter**

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**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, February 10, 2009 9:24 AM  
**To:** Grant, Peter  
**Cc:** Hanle, Bob - DOA  
**Subject:** Possible changes to LRB-1796/2

Peter,  
I just wanted to let you know that changes may be coming to draft LRB-1796/2 'revenue limit; state aid includes federal stimulus funds.' Most likely, the change would either be the elimination of 121.90(2)(am)3 or changing 121.90(2)(am)3 to read that '50% of federal moneys received under the American Recovery and Reinvestment Act of 2009 that are for the purpose of carrying out 20 USC 1401 to 1482 or 20 USC 6311 to 6339.'

Thanks.

Marta Skwarczek  
Executive Policy and Budget Analyst  
Education and Workforce Development Team  
Wisconsin Department of Administration  
(608) 266-5468

02/10/2009

DOA:.....Skwarczek, BB0532 - Revenue limit; state aid includes federal stimulus funds

**FOR 2009-11 BUDGET — NOT READY FOR INTRODUCTION**

1 <sup>don't gen.</sup> AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

For the purpose of determining a school district's revenue limit, this bill includes in the school district's state aid amount all federal economic stimulus funds received by the school district, pursuant to federal legislation enacted by the 111th Congress, that are intended to carry out the federal Individuals with Disabilities Education Act or that portion of the federal Elementary and Secondary Education Act relating to improving basic education programs, or that are provided to restore the state's support for elementary and secondary education to the level provided in the 2007-08 fiscal year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2           SECTION 1. 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am)  
3 (intro.) and amended to read:

**SECTION 1**

1           121.90 (2) (am) (intro.) "State aid" means aid all of the following:

2           1. Aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as  
3           calculated for the current school year on October 15 under s. 121.15 (4) and including  
4           adjustments made under s. 121.15 (4), ~~and amounts.~~

5           2. Amounts under s. 79.095 (4) for the current school year, ~~except that "state~~  
6           ~~aid" excludes all of the following.~~

7           **SECTION 2.** 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2) (bm)  
8           1. to 3.

9           **SECTION 3.** 121.90 (2) (am) 3. of the statutes is created to read:

10           121.90 (2) (am) 3. All federal moneys received under the American Recovery  
11           and Reinvestment Act of 2009 that are for the purpose of carrying out 20 USC 1401  
12           to 1482 or 20 USC 6311 to 6339.

13           **SECTION 4.** 121.90 (2) (am) 4. of the statutes is created to read:

14           121.90 (2) (am) 4. All federal moneys received ~~under section 13002 (a) of the~~  
15           ~~American Recovery and Reinvestment Act of 2009.~~ 2-15

16           **SECTION 5.** 121.90 (2) (bm) (intro.) of the statutes is created to read:

17           121.90 (2) (bm) (intro.) "State aid" excludes all of the following:

18           **SECTION 9339. Initial applicability; Public Instruction.**

19           (1) REVENUE LIMIT; STATE AID. The renumbering of section 121.90 (2) (a) to (c)  
20           of the statutes, the renumbering and amendment of section 121.90 (2) (intro.) of the  
21           statutes, and the creation of section 121.90 (2) (am) 3. and 4. and (bm) (intro.) of the  
22           statutes first apply to the calculation of a school district's revenue limit for the  
23           2009-10 school year.

24           (END)



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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from allocations from  
from allocations from the state fiscal  
stabilization fund that are distributed  
to school districts either as general  
equalization aid or as subgrants based  
on the school districts' relative shares  
of funding under 20 USC 6311 to 6339

**Grant, Peter**

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**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Wednesday, February 11, 2009 6:27 PM  
**To:** Grant, Peter  
**Cc:** Hanle, Bob - DOA; Beadles, Kathleen - DOA; Kraus, Jennifer - DOA; Hanaman, Cathlene  
**Subject:** Additional changes to education drafts

In draft LRB-1862/5 please change the 2008-09 lapse amount back to \$109,000,000.

In LRB- 1796/4 please delete Section 3 that includes Title I and IDEA federal stimulus dollars in revenue limits.

Marta Skwarczek  
Executive Policy and Budget Analyst  
Education and Workforce Development Team  
Wisconsin Department of Administration  
(608) 266-5468

02/12/2009

DOA:.....Skwarczek, BB0532 - Revenue limit; state aid includes federal stimulus funds

**FOR 2009-11 BUDGET — NOT READY FOR INTRODUCTION**

1 AN ACT <sup>don't gen</sup>...; relating to: the budget.

distributed as general equalization aid or based upon a school district's share of funding under

**Analysis by the Legislative Reference Bureau  
EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

For the purpose of determining a school district's revenue limit, this bill includes in the school district's state aid amount all federal economic stimulus funds received by the school district, pursuant to federal legislation enacted by the 111th Congress, that are intended to carry out the federal Individuals with Disabilities Education Act or that portion of the federal Elementary and Secondary Education Act relating to improving basic education programs, or that are provided to restore the state's support for elementary and secondary education to the level provided in the 2007-08 fiscal year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 SECTION 1. 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am)  
3 (intro.) and amended to read:

## SECTION 1

121.90 (2) (am) (intro.) "State aid" means aid all of the following:

1. Aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4), ~~and amounts.~~

2. Amounts under s. 79.095 (4) for the current school year, ~~except that "state aid" excludes all of the following:~~

**SECTION 2.** 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2) (bm) 1. to 3.

**SECTION 3.** 121.90 (2) (am) 3. of the statutes is created to read:

121.90 (2) (am) 3. All federal moneys received under the American Recovery and Reinvestment Act of 2009 that are for the purpose of carrying out 20 USC 1401 to 1482 or 20 USC 6311 to 6339.

**SECTION 4.** 121.90 (2) (am) ~~4.~~<sup>3.</sup> of the statutes is created to read:

121.90 (2) (am) ~~3.~~<sup>3.</sup> All federal moneys received from allocations from the state fiscal stabilization fund that are distributed to school districts either as general equalization aid or as subgrants based on the school districts' relative shares of funding under 20 USC 6311 to 6339.

**SECTION 5.** 121.90 (2) (bm) (intro.) of the statutes is created to read:

121.90 (2) (bm) (intro.) "State aid" excludes all of the following:

**SECTION 9339. Initial applicability; Public Instruction.**

(1) REVENUE LIMIT; STATE AID. The renumbering of section 121.90 (2) (a) to (c) of the statutes, the renumbering and amendment of section 121.90 (2) (intro.) of the statutes, and the creation of section 121.90 (2) (am) 3. ~~and 4.~~<sup>3.</sup> and (bm) (intro.) of the

1 statutes first apply to the calculation of a school district's revenue limit for the  
2 2009-10 school year.

3 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1796/5  
PG:nwn&jld:jf

DOA:.....Skwarczek, BB0532 - Revenue limit; state aid includes federal stimulus funds

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

For the purpose of determining a school district's revenue limit, this bill includes in the school district's state aid amount all federal economic stimulus funds received by the school district, pursuant to federal legislation enacted by the 111th Congress, that are distributed as general equalization aid or based upon a school district's share of funding under the federal Elementary and Secondary Education Act.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 **SECTION 1.** 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am)  
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1. Aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4), ~~and amounts.~~

2. Amounts under s. 79.095 (4) for the current school year, except that “state aid” excludes all of the following:

**SECTION 2.** 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2) (bm) 1. to 3.

**SECTION 3.** 121.90 (2) (am) 3. of the statutes is created to read:

121.90 (2) (am) 3. All federal moneys received from allocations from the state fiscal stabilization fund that are distributed to school districts either as general equalization aid or as subgrants based on the school districts' relative shares of funding under 20 USC 6311 to 6339.

**SECTION 4.** 121.90 (2) (bm) (intro.) of the statutes is created to read:

121.90 (2) (bm) (intro.) “State aid” excludes all of the following:

**SECTION 9339. Initial applicability; Public Instruction.**

(1) **REVENUE LIMIT; STATE AID.** The renumbering of section 121.90 (2) (a) to (c) of the statutes, the renumbering and amendment of section 121.90 (2) (intro.) of the statutes, and the creation of section 121.90 (2) (am) 3. and (bm) (intro.) of the statutes first apply to the calculation of a school district's revenue limit for the 2009-10 school year.

**(END)**